

## **BOARD MEETING MINUTES**

### **MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES**

May 28, 2009

The Mississippi Department of Information Technology Services Board met in the 4<sup>th</sup> floor Class Room of the Robert G. Clark, Jr. Building, 301 North Lamar Street, Jackson, Mississippi 39201, on Thursday, May 28, 2009, at 1:30 P.M.

#### **Members Present:**

Thomas A. Wicker, Vice-Chairman

Steve Adamec

Derek Gibbs

John Hairston

#### **Members Not Present:**

Cecil Watkins, Chairman

#### **Staff Members Present:**

David L. Litchliter, Executive Director

Martha Pemberton, ISS Division Director

Lynn Ainsworth, ISS Deputy Division Director

Mitchell Bounds, Data Services Division Director

David Johnson, Accounting Manager

Roger Graves, Telecomm Services Division Director

Jimmy Webster, Information Security Division Director

Claude Johnson, Strategic Services Division Director

Craig Orgeron, Strategic Services Deputy Division Director

Tangela Harrion, ISS Technology Consultant

Renee Murray, ISS Technology Consultant

Teresa Washington, ISS Technology Consultant

Tina Wilkins, ISS Technology Consultant

Cheryl Yelverton, ISS Technology Consultant

Ravaughn Robinson, ISS Technology Consultant

Jane Woosley, ISS Technology Consultant

Sheila Kearney, ISS Technology Consultant

Gary LeBlanc, ISS Technology Consultant

Gary Rawson, Strategic Services Division

Kevin Gray, Strategic Services Division

Rhonda Allen, Strategic Services Division

Bill Roach, Wireless Communications Commission Executive Officer

Others Present:

Lee Ann Mayo, Capitol Resources

Mark Garriga, Butler Snow

Trey Breckenridge, Mississippi State University

Kris Gautier, at&t

Mark Hollingsead, Ciber, Inc.

Travis Clayton, Ciber, Inc.

Serena Clark, Mississippi Governor's Office

Clay Johnston, Mississippi Department of Public Safety

Sylvia Knight, SK Enterprises, Inc.

Karana Carroll, Mississippi Secretary of State's Office

Yvonne Sanchez, University of Mississippi Medical Center

Lynda Steele, Mississippi Delta Community College

Jimmy Free, Mississippi Delta Community College

Roger Smith, Mississippi State University

Connie Ratcliffe, Mississippi Department of Education

Jim Andrews, ACO Information Services, LLC

Renea Haycraft, Mississippi Secretary of State's Office

Libby Cajoles, Cornerstone Consulting Group, Inc.

Marsha Lee, Mississippi Delta Community College

Don Garrett, Mississippi Delta Community College

Scot Dorger, ACO Information Services, LLC

Kelly Cress, IGI

Freda Guzman, IGI

Stan Flint, SSG

Tom Riley, Mississippi Secretary of State's Office

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Agenda Item No. 1: Tom Wicker called the meeting to order and directed the Board's attention to the first agenda item, approval of the minutes from the ITS Board Meeting on April 30, 2009. On motion by Steve Adamec and second by Derek Gibbs that the minutes of the April 30, 2009 meeting be approved:

Motion carried; unanimously, with John Hairston abstaining.

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Agenda Item No. 2: Teresa Washington and Trey Breckenridge, High Performance Computing Resources and Operations Administrator, Mississippi State University, presented Project No. 38235, requesting approval of an exemption for **MISSISSIPPI STATE UNIVERSITY (MSU)** to request proposals for the acquisition of a high performance computing cluster. The staffs of ITS and MSU jointly recommend approval of the exemption request at a total estimated two-year lifecycle cost of \$2,000,000.00. MSU will solicit proposals in accordance with the statutory requirements for such acquisitions.

On motion by Steve Adamec and second by John Hairston that the staff recommendation be approved:

Motion carried; unanimously.

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Agenda Item No. 3: Tangela Harrion presented an overview and request to issue RFP No. 3601-38084 for the acquisition of consulting services to develop a strategic modernization roadmap to guide the planning process for the replacement or upgrade of the Driver License System for the **MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY (MDPS)** Driver Services Division. The staffs of ITS and MDPS jointly request approval to advertise and publish RFP No. 3601-38084 for the acquisition of consulting services to develop a strategic modernization roadmap to guide the planning process for the replacement or upgrade of the Driver License System.

On motion by John Hairston and second by Derek Gibbs that the staff recommendation be approved:

Motion carried; unanimously.

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Agenda Item No. 4: Martha Pemberton and Craig Orgeron presented an overview and request to

issue RFP No. 3597-38214 for statewide inventory and mapping of broadband services to identify unserved and underserved areas within the State of Mississippi for the **OFFICE OF THE GOVERNOR**. The staffs of ITS and the Office of the Governor jointly request approval to advertise and publish RFP No. 3597-38214 for statewide inventory and mapping of broadband services to identify unserved and underserved areas within the State of Mississippi.

On motion by Steve Adamec and second by Tom Wicker that the staff recommendation be approved:

Motion carried; unanimously.

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Agenda Item No. 5: Ravaughn Robinson presented the recommendation for RFP No. 2911-38218, for the acquisition of SunGard Banner software, implementation, training services, and maintenance for **MISSISSIPPI DELTA COMMUNITY COLLEGE (MDCC)**. The staffs of ITS and MDCC jointly recommend the selection of SunGard SCT Corporation to provide software, implementation, training services, and maintenance at a total five-year total cost of \$2,059,265.36.

On motion by John Hairston and second by Derek Gibbs that the staff recommendation be approved:

Motion carried; unanimously.

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Agenda Item No. 6: Ravaughn Robinson presented the recommendation for Project No. 38217, requesting approval for the renewal of software licenses, support, and maintenance from 3M Health Information Systems, Inc. for the **UNIVERSITY OF MISSISSIPPI MEDICAL CENTER (UMMC)** Health Information Management (HIM) Department. The staffs of ITS and UMMC jointly recommend the renewal of software licenses, support, and maintenance from 3M Health Information Systems, Inc. at a total 5-year lifecycle cost of \$2,894,811.74.

On motion by Tom Wicker and second by John Hairston that the staff recommendation be approved:

Motion carried; unanimously.

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Agenda Item No. 7: Teresa Washington presented the Recommendation for RFP No. 3452-38104 for the continuation of the Agreement with Desire2Learn Incorporated for learning management system licensing, hosting, and related services for the **MISSISSIPPI DEPARTMENT OF EDUCATION (MDE)** Mississippi Virtual Public School (MVPS). The ITS Executive Director originally approved these services in June 2006, November 2007, and July 2008 for a lifecycle cost of \$651,825.00. The staffs of ITS and MDE jointly recommend approval of the continuation of this Agreement with Desire2Learn Incorporated through June 30, 2012, in an amount not to exceed \$1,024,157.49 for learning management system licensing, hosting, and related services for MVPS. With this continuation, the revised total lifecycle cost of this project is \$1,675,982.49.

On motion by John Hairston and second by Steve Adamec that the staff recommendation be approved:

Motion carried; unanimously.

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Agenda Item No. 8: Cheryl Yelverton presented the evaluation and recommendation of proposals received in response to RFP No. 3582-38002 for the acquisition of software and services for a web-based integrated turnkey solution to support the processes managed by the Business Services Division including, but not limited to, the online receipt, approval, processing, and archiving of all filings, applications, registrations, documentation, and correspondence for the **MISSISSIPPI SECRETARY OF STATE (MSOS)** Business Services Division. The staffs of ITS and MSOS jointly recommend the selection of ACO Information Services, LLC as lowest and best vendor responding to RFP No. 3582, to provide software and services for a web-based integrated turnkey

solution to support the processes managed by the Business Services Division, at a total 5-year lifecycle cost of \$1,984,456.00.

On motion by Derek Gibbs and second by John Hairston that the staff recommendation be approved:

Motion carried; unanimously.

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Steve Adamec stated there was a need to go into closed session to determine the need for executive session.

On motion by Steve Adamec and second by John Hairston that the ITS Board convene in closed session to determine the need for executive session:

Motion carried; unanimously.

The determination for executive session was discussed in closed session, and on motion by John Hairston and second by Steve Adamec that the ITS Board convene in executive session to discuss prospective litigation:

Motion carried; unanimously.

The ITS Board returned to open session. Tom Wicker called the session to order and announced that pursuant to Mississippi Code 25-41-7(4)(b), the ITS Board would convene in executive session to conduct a strategy session with respect to prospective litigation because an open meeting would have a detrimental effect on the litigating position of the ITS Board. Mr. Wicker further announced the motion to convene in executive session was made by John Hairston with a second by Steve Adamec during the closed session, and that the motion carried with a unanimous vote.

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The ITS Board convened in executive session.

Members Present:

Thomas A. Wicker, Vice-Chairman

Steve Adamec

Derek Gibbs

John Hairston

Members Not Present:

Cecil Watkins, Chairman

Staff Members Present:

David L. Litchliter, Executive Director

Martha Pemberton, ISS Division Director

Lynn Ainsworth, ISS Division Deputy Director

Bill Roach, Wireless Communications Commission Executive Officer

Others Present:

Mark Garriga, Butler Snow

Serena Clark, Mississippi Governor's Office

No actions were taken during executive session.

On motion by John Hairston and second by Steve Adamec that the ITS Board conclude executive session and return to open session:

Motion carried; unanimously.



The ITS Board returned to open session. Tom Wicker called the session to order and directed the Board's attention to agenda item 8a, the review and consideration of the appeal to the ITS Board of the ITS Executive Director's decision in the protest by Grain Communications III, LLC (GC3) of the award of RFP No. 3584 for the acquisition of build-to-suit radio tower construction services for the **MISSISSIPPI WIRELESS COMMUNICATION COMMISSION (WCC)**.

The Board's discussion of the appeal included the following:

- RFP 3584 (alternately, the "RFP") was developed by the WCC and the Mississippi Department of Information Technology Services (ITS) for the acquisition of build-to-suit radio tower construction services in support of the deployment of the Mississippi Wireless Information Network (MSWIN). The focus of services sought via this RFP was the design and construction of communication towers.
- The RFP was advertised January 13 and 20, 2009 and published on the ITS website January 19, 2009, with proposals due February 20, 2009. The State conducted a mandatory Vendor Conference on January 28, 2009. Vendors were encouraged to submit written questions about the RFP, and the State published answers to those questions on February 6, 2009.
- The State received four proposals, from GC3, Crown Castle, Towers of Mississippi, and TowerCo. The proposal evaluation was conducted by an evaluation team comprised of ITS and WCC staff. Two proposals, those by GC3 and TowerCo, were eliminated from consideration during the proposal evaluation process. TowerCo's proposal was deemed nonresponsive, as it did not contain point-by-point responses to a large portion of the Technical Specifications portion of the RFP. GC3 was eliminated from consideration due to the lack of any documented tower construction

experience and the inclusion of two subcontractors with which neither GC3 nor its parent company Grain Communications Group Inc. had previously done business.

- The proposals for the remaining two vendors, Towers of Mississippi and Crown Castle, were scored for technical specifications, vendor qualifications, and references. Fifteen year lifecycle costs were calculated for lease and for purchase of constructed guyed towers, based on an estimated mix of required antenna placement heights for MSWIN Phases II and III. After the scoring had been finalized, a Notification of Award memo was published on March 24, 2009, contingent upon ITS Board approval and successful contract negotiations.
- On March 26, 2009, the ITS Board approved Towers of Mississippi as the lowest and best responder to RFP 3584, to provide build-to-suit radio tower construction services for Phases II and III of the MSWIN project.
- The State conducted a Post Procurement Review with GC3 representatives at the ITS offices on March 27, 2009, to answer questions about the evaluation of the GC3 proposal. Post Procurement Reviews are encouraged, as outlined in Section 021-040 of the ITS Procurement Handbook.
- GC3 submitted a protest of the award of the RFP, accompanied by the proper protest bond, within the timeframe prescribed in the ITS Protest Procedure and Policy.
- Pursuant to Section 019-020(R) of the ITS Protest Procedure and Policy, the Executive Director issued his written decision on April 14, 2009. The Executive Director found the protest of GC3 lacking in merit and upheld the State's action. GC3 timely filed a written request for review by the ITS Board pursuant to Section 019-020(T) on April 17, 2009.
- The ITS Board, pursuant to Section 019-020 of the ITS Procurement Handbook, has considered the request of GC3 for review of the determination by the Executive Director of ITS not

to grant the relief requested in the protest of GC3 to the Notification of Award of March 20, 2009, issued by ITS with regard to RFP Number 3584.

- The Board has performed an objective review of GC3's request, based upon the written materials submitted and all other facts made known to the Board. The Board has determined that it has sufficient information to render a decision.
- The Board finds no fault or error with the decision of the Executive Director in this protest. However, in the Board's review of the procurement instruments and protest filings and rulings on this procurement the Board has determined that the vendor pool responding to RFP 3584 was generally unfamiliar with the ITS procurement instruments and processes and that some of the requirements of RFP 3584 could have been more clearly explained. The Board noted that the large discrepancy in pricing received in vendor proposals and the disqualification of some vendors could have been due in part to these factors. The Board finds that it is in the best interest of the State to encourage the largest possible number of qualified vendors to submit proposals to provide build-to-suit radio tower construction services in support of the deployment of the Mississippi Wireless Information Network as described in the RFP. The Board further finds that the amendment and reissue of RFP 3584 is reasonable and necessary to achieve this goal.

On motion by Derek Gibbs and second by Steve Adamec, the ITS Board directs the Executive Director to notify all vendors responding to RFP Number 3584 that the Board has rescinded its approval of the award of the RFP to Towers of Mississippi. The Board further directs the Executive Director to amend and reissue RFP Number 3584 in a form substantially complying with the following:

- Revision of the Scope of Work, Cost Proposal, and Scoring Methodology to provide that the

purchase of the towers to be constructed pursuant to the RFP is the preferred method of procurement, with all vendors required to supply per tower pricing for each antenna height configuration, as follows: (a) a purchase price upon completion, (b) monthly lease cost for a short-term lease, up to 24 months, with the purchase price upon exercise of an option to purchase, and (c) a monthly lease cost for a long-term lease, up to 15-years;

- The Qualifications of the Vendor to be revised to emphasize that the principal consideration in the selection of a vendor or vendors for this procurement is demonstrated experience in the design and concurrent construction of large-scale build-to-suit communications towers, with the lease of such towers to the State a secondary consideration. This experience can be demonstrated by the assignment of one or more project manager(s) or subcontractor(s) with the requisite experience detailed in the RFP;
- Revision of the Site Work provision to include the construction of the State's compound area within the site including all shelter, generator and fuel tank foundations, with specifications for and all equipment to be contained therein supplied by Motorola, Inc. or its subcontractor(s);
- Scoring Methodology to be revised to include a good faith estimate of the number of sites for each antenna height configuration, along with an advisory that the actual distribution of such sites may vary depending on site conditions;
- Revision of the Subcontractors provision to provide for the complete identification of all proposed subcontractors in the vendor's proposal and in performance of the contract with such information as may be required and specified by the Executive Director; and
- Other reasonable changes to accomplish the aforementioned findings of the Board, at the discretion of the Executive Director.

Motion carried; unanimously.

On motion by John Hairston and second by Derek Gibbs that Tom Wicker sign the Decision on Review document on behalf of the ITS Board:

Motion carried; unanimously.

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The Board acknowledged Agenda Item No. 9 regarding the summary of equipment, software and services, exemptions and sole source procurements approved by the ITS Executive Director.

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On motion by Steve Adamec and second by Derek Gibbs that the following per diem and expenses be approved:

Steve Adamec - per diem and expenses for 1 day;

Board Meeting, May 28, 2009.

Derek Gibbs - per diem and expenses for 1 day;

Board Meeting, May 28, 2009.

John Hairston - per diem and expenses for 1 day;

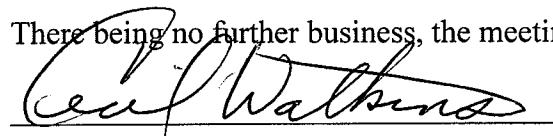
Board Meeting, May 28, 2009.

Tom Wicker - per diem and expenses for 1 day;

Board Meeting, May 28, 2009.

Motion carried; unanimously.

There being no further business, the meeting was adjourned.



Cecil Watkins, Chairman



Tom Wicker, Vice-Chairman